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 Oracle International Corporation*

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

RIMINI STREET, INC., a Nevada corporation;
 Plaintiff,
 v.
 ORACLE INTERNATIONAL CORPORATION,
 a California corporation, and ORACLE
 AMERICA, INC., a Delaware
 corporation
 Defendants.

ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE
 INTERNATIONAL CORPORATION, a
 California corporation,
 Counterclaimants,
 v.
 RIMINI STREET, INC., a Nevada corporation, *et
 al.*,
 Counterdefendants.

Case No 2:14-cv-01699 LRH CWH

**ORACLE'S MOTION FOR LEAVE
 TO FILE UNDER SEAL PORTIONS
 OF THE APRIL 21, 2017 JOINT
 STATUS REPORT AND EXHIBITS
 TO SHINN DECLARATION**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 18, 2015, ECF No. 58 (“Protective Order”), Local Rules 10-5(b), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants and Counterclaimants Oracle International Corporation and Oracle America Inc. (together “Oracle”) respectfully requests that the Court grant leave to file under seal portions of the April 21, 2017 Joint Status Report (ECF No. 472) and Exhibits A and B to the Declaration of Lindsey M. Shinn filed in support of Oracle’s section thereof (ECF Nos. 473-1 and 473-2). Redacted versions of these documents were filed on April 21, 2017. *See* ECF Nos. 472; 473-1; 473-2. Unredacted versions of these documents will be subsequently filed under seal with the Court and linked to the filing of this Motion. *See* ECF No. 221 (Order re: sealing procedures).

Oracle requests that the Court seal portions of the Joint Status Report, and Exhibits A and B in their entirety, because they contain materials that have been designated as “Highly Confidential Information – Attorneys’ Eyes Only” by Rimini under the terms of the Protective Order, or detailed descriptions of same. Rimini has also designated portions of its customer list as “Highly Confidential - Attorneys’ Eyes Only,” and the Joint Status Report and Exhibit A identify customers that have been so designated. Further, in addition to the confidentiality designation by Rimini, Exhibit B was designated as Confidential under the terms of the Protective Order by a third party when it was produced in response to a subpoena from Oracle.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c).** The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

1 Oracle submits these documents under seal pursuant to the Protective Order based on
 2 Rimini's representation (and as to Exhibit B, the third party's additional representation) that it
 3 reasonably believes there is a valid basis under the Protective Order for its confidentiality
 4 designations. Because certain customer names and other material were designated by Rimini,
 5 Oracle is not in a position to provide further justification for why filing the documents publicly
 6 would cause Rimini harm sufficient to show good cause. Oracle does not independently contend
 7 that the documents, or the material they describe, are subject to such protection, but makes this
 8 request pursuant to ¶ 14 of the Protective Order.¹

9 Oracle respectfully requests that the Court grant leave to file under seal the documents
 10 discussed above.

11 DATED: April 21, 2017

MORGAN, LEWIS & BOCKIUS LLP

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13
14 By: /s/ Thomas S. Hixson
 15 Thomas S. Hixson

16 Attorneys for Counterclaimant Oracle America,
 17 Inc. and Defendant and Counterclaimant Oracle
 18 International Corporation
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26 _____
 27 ¹ Exhibit B bears a stamp of "Oracle – Highly Confidential – Attorney's Eyes Only" because
 28 Oracle includes this designation when it produces copies of third party subpoena productions to
 Rimini, in an abundance of caution and to facilitate speedy production of these materials to
 Rimini (i.e., to prevent delays caused by Oracle's review of customer-produced documents for
 confidential material). Oracle does not independently contend at this time that Exhibit B is
 subject to protection.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIMINI STREET, INC., a Nevada corporation;
Plaintiff,

v.

ORACLE INTERNATIONAL CORPORATION,
a California corporation, and ORACLE
AMERICA, INC., a Delaware
corporation

Defendants.

ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE
INTERNATIONAL CORPORATION, a
California corporation,

Counterclaimants,

v.

RIMINI STREET, INC., a Nevada corporation, *et*
al.,

Counterdefendants.

Case No 2:14-cv-01699 LRH CWH

**[PROPOSED] ORDER GRANTING
ORACLE'S MOTION FOR LEAVE TO
FILE UNDER SEAL PORTIONS OF
THE APRIL 21, 2017 JOINT STATUS
REPORT AND EXHIBITS TO SHINN
DECLARATION**

[PROPOSED] ORDER

Pending before this Court is Defendants and Counterclaimants Oracle America, Inc. and Oracle International Corporation's (collectively "Oracle") Motion To Seal Portions of the April 21, 2017 Joint Status Report and Exhibits A and B to the accompanying Shinn Declaration. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of "a trade secret or other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c). Having considered Oracle's Motion to Seal and for good cause existing:

IT IS HEREBY ORDERED THAT: Oracle's Motion to Seal is GRANTED. The Clerk of the Court shall file under seal portions of the April 21, 2017 Joint Status Report (ECF No. 472), and Exhibits A and B to the Declaration of Lindsey M. Shinn (ECF Nos. 473-1 and 473-2) in their entirety.

DATED:

By: _____
Hon. Carl W. Hoffman
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on April 21, 2017, I electronically transmitted the foregoing:

**ORACLE'S MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF
THE APRIL 21, 2017 JOINT STATUS REPORT AND EXHIBITS TO SHINN
DECLARATION**

**[PROPOSED] ORDER GRANTING ORACLE'S MOTION TO SEAL PORTIONS
OF THE APRIL 21, 2017 JOINT STATUS REPORT AND EXHIBITS TO SHINN
DECLARATION**

to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
Electronic Filing to all counsel in this matter; all counsel are CM/ECF registrants.

Dated: April 21, 2017

Morgan, Lewis & Bockius LLP

By: /s/ Thomas S. Hixson
Thomas S. Hixson

Attorney for Defendants and
Counterclaimants Oracle America, Inc.
and Oracle International Corporation